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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,198	12/11/2003	Mitsuru Hasegawa	NPR-130	6019

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KUBOVCIK & KUBOVCIK
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WASHINGTON, DC 20006

EXAMINER

DESANTO, MATTHEW F

ART UNIT	PAPER NUMBER
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3763

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/733,198

Applicant(s)

HASEGAWA, MITSURU

Examiner

Matthew F. DeSanto

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/9/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Gustavsson USPN 4,564,054.

Gustavsson discloses a transfer needle assembly comprising a cap-like outside guide member (10) having a top surface and a skirt portion; a tubular inside guide member (50,51) that is positioned in the outside guide member; and a puncture member (16) which passes through the top surface of the outside guide member and has a proximal end and a distal end, wherein: the puncture member is a tubular member having at its proximal end a tip fitting portion for fitting a syringe tip and having at its distal end a puncture needle; the puncture needle is provided with a liquid passage; the liquid passage communicates with the tip fitting portion; the inside guide member is capable of sliding along an inner wall of the skirt portion of the outside guide member from a position where a distal end of the puncture needle is retracted inside of the inside guide member, to a

position where the distal end of the puncture needle projects outside of the inside guide member; in the position where the distal end of the puncture needle is retracted in the inside of the inside guide member, the outside guide member and the inside guide member are releasably engaged with each other so as to be incapable of sliding; and the engagement between the outside guide member and the inside guide member is releasable by insertion of a mouth portion of a vial into the inside guide member (Figure 11).

3. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Rowley et al. (USPN 6,171,293).

Rowley et al. discloses a transfer needle assembly comprising a cap-like outside guide member (2,3,6) having a top surface and a skirt portion; a tubular inside guide member (4) that is positioned in the outside guide member; and a puncture member (12) which passes through the top surface of the outside guide member and has a proximal end and a distal end, wherein: the puncture member is a tubular member having at its proximal end a tip fitting portion for fitting a syringe tip and having at its distal end a puncture needle; the puncture needle is provided with a liquid passage; the liquid passage communicates with the tip fitting portion; the inside guide member is capable of sliding along an inner wall of the skirt portion of the outside guide member from a position where a distal end of the puncture needle is retracted in an inside of the inside guide member, to a position where the distal end of the puncture needle projects outside of the inside guide member; in the position where the distal end of the puncture needle is retracted in

the inside of the inside guide member, the outside guide member and the inside guide member are releasably engaged with each other so as to be incapable of sliding; and the engagement between the outside guide member and the inside guide member is releasable by insertion of a mouth portion of a vial into the inside guide member (Figure 1 & 2 and entire reference).

4. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoekwater et al. (USPN 5,356,380).

Hoekwater et al. discloses a transfer needle assembly comprising a cap-like outside guide member (12,16,14) having a top surface and a skirt portion; a tubular inside guide member (50,54) that is positioned in the outside guide member; and a puncture member (22,28,32) which passes through the top surface of the outside guide member and has a proximal end and a distal end, wherein: the puncture member is a tubular member having at its proximal end a tip fitting portion for fitting a syringe tip and having at its distal end a puncture needle; the puncture needle is provided with a liquid passage; the liquid passage communicates with the tip fitting portion; the inside guide member is capable of sliding along an inner wall of the skirt portion of the outside guide member from a position where a distal end of the puncture needle is retracted in an inside of the inside guide member, to a position where the distal end of the puncture needle projects outside of the inside guide member; in the position where the distal end of the puncture needle is retracted in the inside of the inside guide member, the outside guide member and the inside guide member are releasably engaged with

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each other so as to be incapable of sliding; and the engagement between the outside guide member and the inside guide member is releasable by insertion of a mouth portion of a vial into the inside guide member (Figures 1, 2, 4 and entire reference).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew F. DeSanto whose telephone number is 571-272-4957. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick LUCCHESI can be reached on (571) 272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a Customer Service Representative, call 800-786-9199 or 571-272-1000.

Matthew DeSanto
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February 19, 2007

